

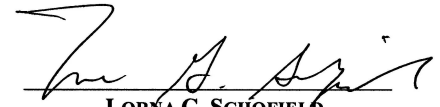
February 13, 2020

Via ECF

Honorable Lorna G. Schofield
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Application GRANTED. The initial pretrial conference, scheduled to occur on March 19, 2020, is ADJOURNED to March 26, 2020, at 10:40 a.m.

Dated: February 14, 2020
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Re: Kellytoy Worldwide, Inc. v. Jay At Play International Hong Kong Limited, et al.
Case No. CV 19-cv-07831-AB (MRW) 20-cv-00585 (LGS)

Dear Judge Schofield:

We represent defendants Jay At Play International Hong Kong Limited and Jay Franco & Sons, Inc. in the above-captioned trademark infringement action. This matter currently is set for the initial pretrial conference on March 19, 2020. (See Dkt. 10.) We write to request a short adjournment of that initial pretrial conference. As this case is new, neither party previously has requested any adjournment and an adjournment will not upset any previously set deadlines.

Plaintiff Kellytoy Worldwide, Inc. initially filed this action in the United States District Court for the Central District of California on September 10, 2019. (See *Kellytoy Worldwide, Inc. v. Jay At Play International Hong Kong Limited and Jay Franco & Sons, Inc.*, Case No. 2:19-cv-07831-AB-MRWx.) Defendants moved to dismiss that action under Federal Rule of Civil Procedure 12(b)(2) due to that court's lack of personal jurisdiction over the defendants. In short, defendant Jay At Play is a foreign corporation whose presence in the United States of America is limited to Boca Raton, Florida (*i.e.* the Southern District of Florida). The court granted Defendants' motion on December 5, 2019. (Dkt. 28.)

On January 22, 2020, plaintiff Kellytoy refiled its case in this Court. On February 10, we agreed to accept service of the re-filed filed complaint on behalf of Defendants subject to Defendants' argument that the re-filed case in this Court suffers from the same personal jurisdiction defects. Jay At Play is only subject to personal jurisdiction in the Southern District of Florida and, while defendant Jay Franco maintains an office in Manhattan, Kellytoy pleads no plausible facts linking Jay Franco to the infringement alleged in its complaint. Indeed, Defendants expect to file a motion to dismiss in response to Kellytoy's complaint in this case as well.



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On February 7, this Court issued its order setting an initial pretrial conference for March 19, 2020. ([Dkt. 10](#).) Lead counsel for the defendants would like to appear for that conference in person but will be traveling elsewhere in the United States during the week of March 13-22. Therefore, Defendants respectfully request that the Court re-set the initial status conference in this case for a later date.

We conferred with counsel for Kellytoy prior to making this request, and Kellytoy has no objection to this request. Lead counsel for Kellytoy, however, advised us that he is not available during the weeks of April 6-10 and 13-17.

Respectfully submitted,

MICHAEL BEST & FRIEDRICH LLP

A handwritten signature in black ink, appearing to read 'Arth Gollwitzer'.

Arthur Gollwitzer III

AG:srp

cc: Todd M. Lander, Esq.
Mark B. Mizrahi, Esq.

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